

ADDITIONAL POLICY RECOMMENDATIONS BY THE WATERSHED POLICY COMMITTEE:

1) The City should adopt policies that recognize the special value and public benefit of lands devoted to aquatic buffers and provide both recognition and credit to landowners providing that benefit. A public education program should be implemented that is focused on aquatic buffers and that has a property owner recognition component. Recommended credit policies are:

- a. Allow all aquatic buffer space to be fully counted toward a landowner's/project's open space requirement and allow lands that go beyond the minimum requirements to count toward open space requirements at a ratio of 1.5 to 1.
- b. Establish a property owner assistance fund to allow the Stormwater Administrator to cost-share for the re-vegetation of aquatic buffers and other water quality best management practices.
- c. Direct that a Stormwater Utility Fee Credit Program be developed that, upon application and approval by the Stormwater Administrator, could reduce a property owner's utility fee by up to 40% for the implementation and maintenance of effective stormwater management measures that go beyond the City's requirements.
- d. Restoration of aquatic buffers along ephemeral waters shall be eligible for participation in the credits and incentives program.

2) Authorize the Stormwater Administrator to recognize public greenways and other public recreational facilities as "water dependent structures" where appropriate, allowing encroachment upon the "Undisturbed Buffer Zone." Require offsetting stormwater management measures in the design of the facility to serve as a "level spreader" or other water quality treatment device whenever practicable.

3) Direct the Stormwater Administrator and other Department Heads to develop an incentive based system that encourages Low-Impact Development methods including, where beneficial to the City's interests, development density increases, offsetting of other site setback requirements, increases in the maximum allowed number of parking spaces, reduction of curb, gutter, and sidewalk requirements, and other appropriate measures.

4) The Committee recognizes that establishing an effective, vegetated aquatic buffer of 30-feet width is sometimes more advantageous to water quality and aquatic habitat than the simple requirements to not disturb the 30-foot inner zone and to set back impervious surfaces by an additional amount. Under this policy the Stormwater Administrator could allow reduction or elimination of the outer

zone as long as the final measures provided the effectiveness of the full aquatic buffer.

5) The Committee recognizes that property owners need certainty regarding the required aquatic buffers when purchasing property or making development plans and must have the right to correct errors to the authoritative data. The Committee has not proposed a similar mechanism for the City to correct stream delineation errors except where that change is to the potential benefit of the property owner. It is recommended that City staff work with the U.S. Department of Agricultural and the N.C. Division of Water Quality to improve the quality of stream delineations depicted on the next revision of the Buncombe County Soils Map.

6) If any additional buffering beyond the State minimum requirements is provided, the requirement for curb and gutter installation for parking areas and private streets within the development shall be altered or waived to the extent that discharge control and water quality treatment is provided by the aquatic buffer, provided that stormwater from these areas are managed by sheet flow measures which prevent the channelization and increased velocity of the stormwater runoff.

7) Although the Committee understands that it is probably not possible to fund enough staff positions to require a pre-construction conference for every grading permit application, the Committee suggests that each grading permit application be accompanied by a signed statement by the applicant in a form similar to the one below (or a comparable form provided by the City). The Committee feels it is important that every builder and developer be educated about the risks of their undertaking and be aware of their responsibilities as required by the UDO.

Statement of Responsibilities of Builder/Developer

The undersigned, _____, is filing for a grading permit [or other development permit for a project located at _____ in the jurisdiction of the City of Asheville. As a condition to receiving said permit, the undersigned hereby executes and delivers this Statement of Responsibilities acknowledging that (he/she/it) is aware of the stormwater and erosion control ordinances of the City of Asheville and agrees to abide thereby. The undersigned specifically acknowledges:

1. That managing stormwater and erosion on the project site is the responsibility of the undersigned.
2. That significant fines and penalties (of up to \$25,000 per day) may be levied against the undersigned for failure to manage stormwater, sedimentation and erosion within the strict limits imposed by the City of Asheville.

3. That the undersigned is required to design (or have a licensed professional design) [if post-construction stormwater controls are required: stormwater and] erosion controls on the project site. Requirements for erosion controls may be found on the City of Asheville's web site at _____.
4. That the undersigned is required to have the controls installed before grading or otherwise disturbing any land on the project site.
5. [If the project is subject to the inspection requirement] That the undersigned is required to have the project site inspected (a) upon installation, by the designing professional, whose signed inspection report must be delivered to the Stormwater Administrator, and (b) [weekly/bi-weekly] throughout the construction period until the construction is complete and the project site is stabilized, by either the designing professional or a person who is a Certified Inspector of Stormwater and Erosion Control, which inspection reports are required to be maintained at the project site and available immediately upon request to any City inspector.
6. That the undersigned, notwithstanding its compliance with City requirements and minimum design criteria, is still responsible for any sedimentation, water or other substance that migrates off the project site onto a neighboring property or into a stream, pond, lake or other body of water and will be required, at the undersigned's expense, to clean up and repair any damage caused by any such migration.
7. That the undersigned therefore recognizes the advisability of providing erosion, sedimentation and stormwater controls that exceed minimum design criteria and to actively monitor the project site and the weather to make ongoing repairs or to take additional precautions when a major storm is possible.
8. That the undersigned will be required to immediately repair or redesign and re-install any stormwater, sedimentation or erosion controls that are damaged or have failed to prevent the migration off-site of stormwater or sediment and that, for this purpose, undersigned recognizes that it should have an ongoing relationship or contractual agreement with a competent licensed professional to ensure that services are available to oversee the redesign and installation of erosion controls in the event they become necessary.

IN WITNESS WHEREOF, the undersigned has executed this statement as of _____, 20__.

Name:_____